

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

|                                  |   |                  |
|----------------------------------|---|------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |                  |
|                                  | ) |                  |
| <b>Plaintiff,</b>                | ) |                  |
|                                  | ) |                  |
| <b>vs.</b>                       | ) | <b>8:04CR403</b> |
|                                  | ) |                  |
| <b>ADOLFO SOLORIO,</b>           | ) | <b>ORDER</b>     |
|                                  | ) |                  |
| <b>Defendant.</b>                | ) |                  |

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|----------------------------------|---|------------------|
| <b>UNITED STATES OF AMERICA,</b> | ) |                  |
|                                  | ) |                  |
| <b>Plaintiff,</b>                | ) |                  |
|                                  | ) |                  |
| <b>vs.</b>                       | ) | <b>8:06CR302</b> |
|                                  | ) |                  |
| <b>ADOLFO SOLORIO-TAFOLLA,</b>   | ) | <b>ORDER</b>     |
|                                  | ) |                  |
| <b>Defendant.</b>                | ) |                  |

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These cases are before the magistrate judge on the defendant's motions to consolidate the two cases for trial, and to continue the trial of 8:04CR403, which is now set for October 17, 2006. The United States Attorney advised that he has no objection to consolidating the two cases. For good cause shown, and pursuant to Fed. R. Crim. P. 13,

**IT IS ORDERED** that defendant's motions are granted, as follows:

1. Cases Nos. 8:04CR403 and 8:06CR302 are hereby consolidated.
2. The trial set for October 17, 2006 in 8:04CR403 is cancelled, and the case is consolidated for trial with 8:06CR302 on November 27, 2006.
3. The deadlines set in the case progression order filed on October 4, 2006 (Filing 8 in 8:06CR302) will govern both cases, and the defendant is given an extension of time to October 24, 2006 to file substantive pretrial motions as to Case No. 8:04CR403.
4. In accordance with 18 U.S.C. § 3161(h)(A), I find that the ends of justice will be served by granting defendant's motions and outweigh the interests of the public and the defendant in a

speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **October 17, 2006 and November 27, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**DATED October 11, 2006.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**